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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/131,051 08/07/98 JAMIESON D NTL-3.2.035/

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EXAMINER

FIELDS, K

ART UNIT

PAPER NUMBER

2153

DATE MAILED:

11/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

MS

Office Action Summary

Application No.
09/131,051

Applicant(s)
Jamieson et al

Examiner
Kenneth Fields

Group Art Unit
2153



☒ Responsive to communication(s) filed on Oct 20, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) 11-14 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3 and 5-9 is/are rejected.

☒ Claim(s) 4 and 10 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Claims 11-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawafuji et al (US 5,999,536).

Kawafuji discloses a virtual private network which enables private communications, over a shared MPLS network, between at least two private networks comprising: a first router coupled to the network and configured to dynamically distribute first router VPN information across the shared MPLS network, wherein the first router VPN information includes a VPN identifier which is assigned to said first router (col. 9, line 49 - col. 10, line 24); a second router coupled to the

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shared MPLS network and configured to dynamically distribute second router VPN information across the shared MPLS network; wherein said second router VPN information includes a VPN identifier which is assigned to said second router (col. 9, line 49 - col. 10, line 24); wherein said first and second routers are also configured to establish a plurality of switched paths therebetween; and wherein said VPN identifier assigned to said first router is the same as said VPN identifier assigned to said second router (the identifiers will be the same when packets are being distributed between terminals on the same VPN). Kawafuji further discloses a first private network adaption device (terminal) which is selectively coupled to the first router and a second private network device (terminal) which is selectively coupled to the second router, wherein the private network adaptation devices may communicate with one another.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawafuji et al (US 5,999,536).

Kawafuji discloses a virtual private network which enables private communications over a shared MPLS network but is silent regarding label switched paths which comprise multipoint-to-

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point paths or multipoint-to-multipoint paths. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the virtual private network communication system as disclosed by Kawafuji with multiple multipoint-to-point paths as well as multipoint-to-multipoint paths, thereby providing the communication system of Kawafuji the ability to transfer data packets utilizing unicast as well as multicast transmissions.

Allowable Subject Matter

6. Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Varghese et al (US 5,963,556), Hart (US 5,423,002), Smith et al (US 5,930,257), Callon (US 5,583,862), Feldman et al (US 6,067,889) and Liu (6,079,020) disclose virtual private network communication systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Fields whose telephone number is (703) 308-4954.

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The fax phone number for this art unit is (703) 305-7201. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.



Kenneth Fields
November 16, 2000



Dung C. Dinh
Primary Examiner